

<u>Mayor Anthony Foxx</u>	<u>Mayor Pro-Tem Patrick Cannon</u>
Michael D. Barnes	Jason Burgess
Nancy Carter	Warren Cooksey
Andy Dulin	David Howard
Patsy Kinsey	James E. Mitchell, Jr.
Edwin B. Peacock III	Warren Turner

CITY COUNCIL ZONING AGENDA

Monday, December 20, 2010

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- ***Review of Agenda – Tammie Keplinger***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org**

REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

DECISIONS

<p>Deferral (3-month to March)</p> <p>Protests Sufficient</p>	<p>1. Petition No. 2008-032 by Myers Park Home Owners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell from R-22MF to R-8MF.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their March 2, 2011 meeting.</p> <p>Staff recommends DENIAL of this petition.</p> <p>Attachment 1</p>
	<p>2. Petition No. 2010-037 by Boxman Studios, LLC for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to expand the type of structures acceptable for use under the Mobile Food Vending Services definition, and to add additional standards for their use.</p> <p>The petition is found to be inconsistent with adopted plans and policies, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends DENIAL of this petition.</p> <p>Attachment 2</p>
<p>Deferral (2-month to February)</p>	<p>3. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their January 26, 2011 meeting.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 3</p>
	<p>4. Petition No. 2010-050 by DavidLand, LLC for a change in zoning of approximately 1.95 acres located at the southeast corner of the intersection of Interstate 485 and Interstate 77 and to the west of Statesville Road from B-D to I-1.</p> <p>This petition is found to be consistent with the <i>Northlake Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 4</p>
<p>Deferral (1-month to January)</p> <p>Protest Sufficient</p>	<p>5. Petition No. 2010-051 by Habitat for Humanity of Charlotte, Inc. for a change in zoning of approximately 3.629 acres located on the west side of Bingham Drive near North Tryon Street from I-2 to UR-2(CD).</p> <p>The Zoning Committee voted unanimously to DEFER this petition to their January 10, 2011 meeting.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 5</p>

	<p>6. Petition No. 2010-070 by Fairview Plaza Associates LTD Partnership for a change in zoning of approximately 1.06 acres located on the south side of Fairview Road between Park South Drive and Piedmont Row Drive from MUDD(CD) to MUDD-O.</p> <p>The banks or financial institutions, retail and office uses and restaurants of this petition are found to be consistent with the <i>SouthPark Small Area Plan</i>, and that the drive through service windows to be inconsistent with the plan, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added limiting the number of drive through service lanes for a bank or financial institution to a maximum of three (two teller windows and one ATM lane). 2. A parking agreement has been submitted by the petitioner and approved by the Zoning Administrator. 3. A note has been added indicating that only one bank or financial institution may be permitted on the site. 4. A note has been added that to mitigate the impact of the removal of trees from the site in connection with development thereof. The petitioner shall plant on the site 2 large maturing trees, each of which shall be a minimum of 5 inches in caliper at the time of installation. These trees shall be in addition to any trees that are required to be planted under the applicable ordinances in effect at the time of the approval of this rezoning. <p>Staff recommends approval of this petition.</p> <p>Attachment 6</p>
	<p>7. Petition No. 2010-071 by Covenant Presbyterian Church for a change in zoning of approximately .324 acres located on the north side of Arose Avenue between East Morehead Street and Dilworth Road from R-4(HD-O) to UR-C(CD)(HD-O).</p> <p>This petition is found to be inconsistent with the <i>Central District Plan</i>, but to be reasonable and in the public interest, by a 6-1 vote of the Zoning Committee. The Committee voted 6-1 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has removed the note reserving the right to pursue a variance from the requirements of Section 12.216(2) of the Zoning Ordinance in order to eliminate the vehicular turn around area as depicted on the site plan and to allow vehicles to back directly onto Arosa Avenue from the driveway serving the site. Note VIII(A) stating that vehicular access to the site shall be as generally depicted shall remain on the site plan. 2. A parking agreement has been submitted by the petitioner and approved by the Zoning Administrator. 3. Note VI(C) has been amended to state that the petitioner shall submit to the Zoning Administrator for review and approval of a letter demonstrating that Covenant Presbyterian Church's hours of demand for the two parking spaces located on the church parking lot do not substantially overlap with the hours of demand of the office uses to be located on the site. 4. The language in the site plan notes pertaining to the proposed number of shared parking spaces has been clarified by removing Note VI(D). 5. Reference to "Section 12.203(1)" has been modified to read "Section 12.203". 6. Note VII (B) has been removed from site plan. <p>Staff recommends approval of this petition.</p> <p>Attachment 7</p>

8. USDG TEXT AMENDMENTS

Petition No. 2010-074SUB by Charlotte Department of Transportation for the adoption of a text amendment to the City of Charlotte Subdivision Ordinance, Chapter 20 to implement the Urban Street Design Guidelines.

Petition No. 2010-073 by Charlotte Department of Transportation for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to implement the Urban Street Design Guidelines.

Tree Ordinance Text Amendment by Charlotte Department of Transportation for the adoption of a text amendment to the City of Charlotte Tree Ordinance, Chapter 21 to allow trees to be planted in the public right-of-way.

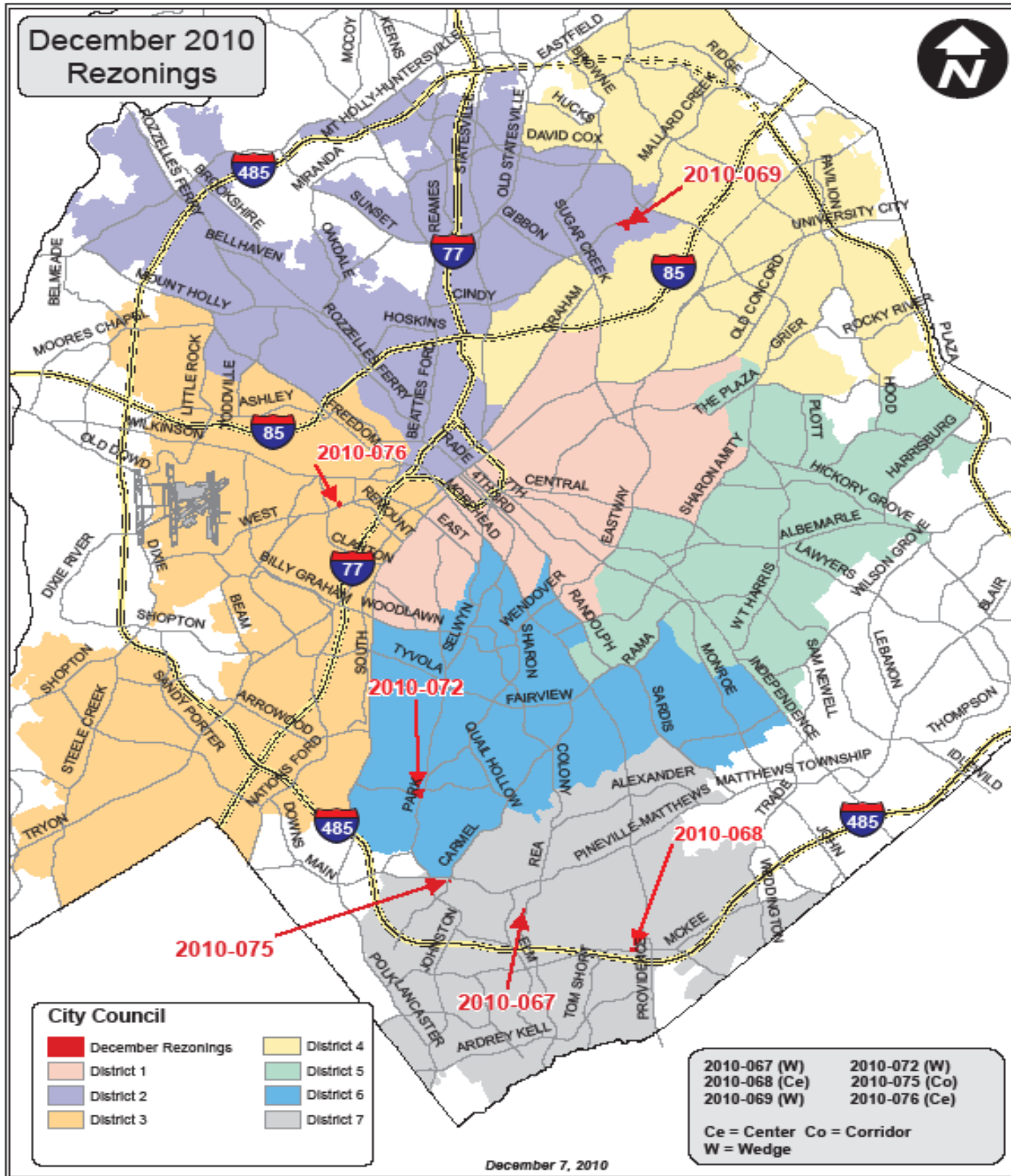
These text amendments are found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend **APPROVAL** of these text amendments with the following modifications:

1. The approval criteria used by the Development Review Board in reviewing alternative compliance applications has been amended to state that “while the proposed alternative design does not strictly meet all of the standards of the *Urban Street Design Guidelines*, it nevertheless satisfies their intent and is not an inferior improvement design”. [Section 20-24(8)(a)]
2. The Zoning Committee would be the designated body to hear and decide applications for alternative compliance for street design. [Sections 20-10, 20-24]

Staff recommends approval of these text amendments, with one modification proposed by staff and the City Attorney’s office to modify the approval criteria used by the Development Review Board in evaluating an application for alternative compliance. However, staff does not support the Zoning Committee’s recommendation to be the designated body to hear and decide applications for alternative compliance for street design.

Attachment 8

December 2010 Rezoningings



HEARINGS

<p>Protest Not sufficient</p>	<p>9. Petition No. 2010-068 by Lightway Properties, LLC, for a change in zoning of approximately 6.50 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Promenade Drive North from UR-2(CD) and R-3 to O-1(CD) and O-1.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 9</p>
<p>Deferral (1-month to January)</p>	<p>10. Petition No. 2010-069 by Patrick Dillon for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).</p> <p>Petitioner is requesting a one-month deferral of this petition to allow time to hold a community meeting after the holidays.</p> <p>Staff recommends APPROVAL of this petition upon resolution of the outstanding issues.</p> <p>Attachment 10</p>
<p>Deferral (1-month to January)</p> <p>Protests Sufficient</p>	<p>11. Petition No. 2010-072 by Quail Corners Associates, LLC for a CC site plan amendment of approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 11</p>
	<p>12. Petition No. 2010-075 by Woodie Enterprises, Inc for a change in zoning of approximately 0.474 acres located on the east side of Carmel Road near the intersection of Carmel Road and Pineville-Matthews Road (HWY 51) from B-1(CD) and O-1 to B-1(CD) SPA and B-1(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p>
	<p>13. Petition No. 2010-076 by Anders Platt for a change in zoning of approximately 3.4 acres located at the northeast corner of the intersection of West Boulevard and Dr. Carver Road from R-22MF and I-1 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 13</p>
	<p>14. Petition No. 2010-067 by Mecklenburg County Park & Recreation Department for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.</p> <p>Staff recommends approval of this petition upon resolution of one outstanding issue.</p> <p>Attachment 14</p>

	<p>15. Petition No. 2010-078 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new definition for heating, ventilation and air conditioning (HVAC) and revise the regulations.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 15</p>
	<p>16. Petition No. 2010-079 by Charlotte-Mecklenburg Planning Commission for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 16</p>